

*Presented: Steven J. Litkovitz  
10/2/13*

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Gregory Gibson, )  
Plaintiff, )  
v. ) Civil Action No.: 1:13-cv-00069  
Acting Commissioner of ) Judge Dlott  
Social Security, ) Magistrate Judge Litkovitz  
Defendant. )

**MOTION FOR A STAY OF CASE  
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves for a stay of briefing in the above-captioned case.

1) At the end of the day on September 30, 2013, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for most Executive agencies, including funding for the Office of the General Counsel of the Social Security Administration. The Department does not know when funding will be restored by Congress.

2) Absent an appropriation, Department of Justice attorneys and employees of the Office of the General Counsel of the Social Security Administration are prohibited from working, even on a voluntary basis, except in very limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342.

3) Undersigned counsel for the Department of Justice therefore requests a stay of briefing until Congress has restored appropriations to the Department.

4) If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

5) The undersigned counsel has contacted opposing counsel but did not receive a response by the time of filing.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of briefing in this case until Department of Justice and Social Security Administration attorneys are permitted to resume their usual civil litigation functions.

Dated: October 1, 2013

Respectfully submitted,

CARTER M. STEWART  
United States Attorney  
Southern District of Ohio

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Deepa Rajkarne  
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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing Motion for a Stay of Case in Light of Lapse of Appropriations with the Clerk of the Court using the CM/ECF system, which will send notification to all counsel of record.

Dated: October 1, 2013.

s/ Deepa Rajkarne  
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